

REMARKS

Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration and allowance of the claims in view of the remarks presented below.

Claim 2 has been canceled. Claims 1, 3-6, 8-10, 13-14, 16, 18-20, 22, 24-31 and 33 have been amended. New claims 35-39 have been added. Thus, claims 1 and 3-39 are pending in the application.

The specification was amended to correct an inadvertent typographical error by replacing the phrase "Paraloid P270" with "Reamod P270." The basis for this correction is found on page 5, paragraph 00033. Thus, no new matter was added.

Claims 1-34 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant has reviewed the claims and amended the claims to address the Examiner's cited reasons and to correct other informalities to ensure proper antecedent basis and form. Applicant respectfully submits that claims 1 and 3-39 as amended satisfy the requirements of 35 U.S.C. 112, second paragraph, and are in a form suitable for allowance.

Claims 1-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brady et al., US 6,031,047 or Berard et al., US 6,875,820. Applicant respectfully traverses these rejections.

Claim 1, as well as claims 16, 18, 19, 20 and 31 have been amended to recite that the masterbatch as claimed is substantially free of PVC. Both Brady and Berard only disclose compositions where PVC is present in the final batch. This is completely different from Applicant's invention. As set forth in the application on page 2 as filed, use of PVC in a masterbatch, as opposed to the final product, which can include PVC, is undesirable. The inclusion of PVC in a masterbatch reduces the processing quality of the masterbatch when being processed for long periods of time, making it very difficult to subject the PVC containing compound to the amount of shear required to completely blend all of the components in a final product. Applicant's masterbatch as claimed in amended claims 1, 16, 18, 19, 20 and 31 does not include PVC and thus permits the masterbatch to be worked or blended to achieve complete dispersion of all of the components of the masterbatch. In addition, the omission of PVC from

the claimed masterbatch has the advantage that increased loading of the masterbatch to the uncolored PVC compound used for the final product can be achieved.

Both of the cited references teach away from the novel masterbatch claimed by Applicant in that they both teach the inclusion of PVC. There is not a single suggestion to be found in either reference of a masterbatch substantially free of PVC. Even if the references are combined, one skilled in the art would still not achieve a masterbatch as claimed by Applicant. The references only compositions having PVC, thus they only disclose compositions that would not have the thermal stability of Applicant's claimed masterbatch, and would not be able to withstand the shear necessary to blend the masterbatch. Accordingly, Applicant respectfully submits that claims 1, 16, 18, 19, 20 and 31, and the claims dependent therefrom, are patentable and request that they be allowed.

CONCLUSION

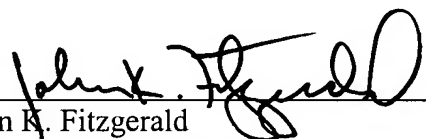
Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented. In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Should the Examiner have any questions concerning the above amendments and arguments, or any suggestions for further amending the claims to obtain allowance, Applicants request that the Examiner contact Applicants' attorney, John Fitzgerald, at 310-242-2667.

The Commissioner is authorized to credit any overpayment or charge any additional fees in this matter to our Deposit Account No. 06-2425. A duplicate of this paper is enclosed.

Respectfully submitted,

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